IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA:

CWP.No. 676 of 2004

Date of Decision : 3.8.2007

M/s Hindustan Salt Ltd. ….Petitioner.

Versus:

General Secretary and another …Respondents.

Coram:

The Hon'ble Mr.Justice Sanjay Karol, Judge.

Whether approved for reporting?[1]

For the petitioner: Mr.Surinder Sharma
Advocate.

For Respondent. Mr. R.D.Kaundal
Advocate.

Sanjay Karol, J (Oral).

The petitioner has challenged the impugned award dated 5.3.2004 passed by the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh, in case No. ID.100/95, titled as General Secretary, Drang, Guma Khan Mazdoor Union, vs. Chairman, Hindustan Salt Mine.

Vide notification dated 5th December, 2005, the Central Government referred the following dispute for adjudication to the Industrial Tribunal:

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[1] **Whether reporters of Local Papers may be allowed to see the judgment?**

> "Whether the action of the management of M/s Hindustan Salts Ltd. represented through
> 1. The Chairman, Hindustan Salts Ltd. Ram Singh Road, Jaipur. 2. The Mine Manager, Drang Guma Salts Mine Unit, Distt. Mandi (HP) in not designating the workmen employed in their Drang and Guma Salts Mines in Distt. Mandi (H.P.) by the trade/work done by them and instead designating them as semiskilled, unskilled and skilled, is legal and just, if not to what relief the workman are entitled to?"

In the impugned award the Tribunal has directed the respondents to categorises the workmen who are performing the particular duty in terms of their requisite qualifications which they are holding for a particular post. The Central Government has published the award as informed vide communication dated 28th July, 2004.

The grievance of the respondent-Union is that even though their members, workmen are holding essential qualification for the work which they are performing, but however, the petitioner management is not designating their posts according to the work which they are performing keeping in view their educational qualifications.

It is the admitted case of the parties that the workmen have been categorized as unskilled, semi-skilled and skilled and are paid wages strictly in accordance with the job assigned to them and are being governed by the Standing Orders under the Industrial Disputes Act, 1947.

The grievance of the respondent-Union is totally misconceived, as designation of the post is purely the prerogative of the petitioner and there cannot be any dispute with regard to the same. The claim of the respondent is totally misconceived and the

order passed by the Tribunal needs to be set aside and quashed. There is no dispute that the workmen are getting wages and the standing orders are fully complied with. The respondents have failed to show any provision/agreement/settlement/orders conferring any right on them to seek adjudication of the present dispute. Their right does not flow from any statute.

Further, no reason has been assigned by the Tribunal in arriving at its conclusion.

For the aforesaid reason, the writ petition is allowed. The award passed by the Tribunal on 5th March, 2004 is set-aside.

August 3, 2007
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(Sanjay Karol),
Judge